

**RESOLUTION NO. JR-030-2020**

**A JOINT RESOLUTION OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AUTHORIZING A NON-WARRANTY CASH SALE OF 115 NOTTINGHAM CIRCLE TO AN ADJOINING LANDOWNER PURSUANT TO LA R.S. 47:2202(B) FOR THE PRICE OF THE SALE'S ANTICIPATED COSTS**

**BE IT RESOLVED** by the Lafayette City Council and the Lafayette Parish Council, that:

**WHEREAS**, the Lafayette City-Parish Council adopted Ordinance No. O-246-2015, and subsequent amendments, establishing a process by which adjudicated properties may be sold, donated, or otherwise disposed of; and

**WHEREAS**, the Lafayette City-Parish Council adopted Ordinance No. O-155-2002, authorizing a Local Services Agreement among all entities having the authority to assess and collect property taxes in parts or all of Lafayette Parish, which Local Services Agreement assigns to Lafayette City-Parish Consolidated Government authority to oversee the sale, donation, or disposition otherwise of adjudicated properties; and

**WHEREAS**, the following political subdivisions with interests in adjudicated properties in parts or all of Lafayette Parish having agreed to the aforementioned Local Services Agreement: the City of Lafayette, the Parish of Lafayette, the Lafayette Parish Law Enforcement District and the Sheriff of Lafayette Parish; the Lafayette Parish School Board; the Lafayette Parish Library Board; the Lafayette Centre Development District; the Lafayette Economic Development Authority; the Bayou Vermilion District; the Lafayette Parish Tax Assessment District; the Lafayette Airport Commission; and the Teche-Vermilion Fresh Water District; and

**WHEREAS**, pursuant to La. R.S. 47:2201 *et seq.*, La. Const. Art. VII, Sec. 14, and the aforementioned Local Services Agreement among all political subdivisions levying *ad valorem* taxes on immovables within Lafayette Parish, Lafayette City-Parish Consolidated Government may elect at a public meeting of the Lafayette City Council and the Lafayette Parish Council to allow an adjoining landowner, who is determined to have maintained an adjudicated property for at least one (1) year, to purchase such adjudicated property for any price set by the Lafayette City Council and the Lafayette Parish Council; and

**WHEREAS**, the Lafayette City-Parish Consolidated Government Code of Ordinances at Ch. 72-30(e) permits that sale of adjudicated property to an adjoining landowner be submitted to the Joint Council for approval of a resolution authorizing its sale and adopting as its sale price the sale's anticipated costs; and

**WHEREAS**, the below-named Applicant for sale of the below-described property having submitted necessary verifying information for compliance with Louisiana statutes and the Lafayette City-Parish Consolidated Government Code of Ordinances; and

**WHEREAS**, the Lafayette City-Parish Consolidated Government has determined conformance by the below-named Applicant with La. R.S. 47:2202(B) and with Lafayette City-Parish Consolidated Government Code of Ordinances Ch. 72-30(e).

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Lafayette City Council and the Lafayette Parish Council, that:

**SECTION 1:** All of the foregoing “Whereas” clauses are adopted as part of this resolution.

**SECTION 2:** The Lafayette City Council and the Lafayette Parish Council in due, regular and legal session convened, adopt pursuant to La. R.S. 47:2202(B), and Lafayette City-Parish Consolidated Government Code of Ordinances Ch. 72-30(e), Lafayette City-Parish Consolidated Government’s anticipated costs in the amount of zero (\$0) dollars as the price for Non-Warranty Cash Sale of the below-described property (the “Property”) to the below-named Applicant:

**Applicant: Demarcio and Denise Wiltz**

**Assessment Number: 6055259**

**Property Address: 115 Nottingham Circle, Lafayette, Louisiana 70507**

**Legal Description:**

115 Nottingham Circle, Lafayette, Louisiana 70507

“That certain parcel of ground, together with all improvements, situated in Section 65 in 47, Township 9 South, Range 5 East, Lafayette Parish Louisiana, shown as LOT 63 of Nottingham Subdivision on that certain plat filed at Act. No. 79-11851 in the clerk of court Records for the Parish of Lafayette, Louisiana. Improvements thereon bear Municipal No. 115 Nottingham Circle, Lafayette, Louisiana 70507.”

**SECTION 3:** Following the Applicant’s compliance with:

a) the notice and publication requirements of, and lapse of the time periods described in, La. R.S. 47:2206(A) and (B), respectively, without the occurrence either of full redemption of the Property or the filing of any action to annul as permitted by La. R.S. 47:2286 *et seq.*; and

b) the notice requirement imposed by Ch. 72-15(c) of the Lafayette City-Parish Consolidated Government Code of Ordinances; and

c) the filing requirement imposed by Ch. 72-16(b) of the Lafayette City-Parish Consolidated Government Code of Ordinances; the Administrator (as defined in Chapter 72-12) shall upon request of the Applicant cause to be authenticated by the Lafayette Mayor-President

that Non-Warranty Cash Sale to Applicant in that form attached hereto as Exhibit A. The Administrator, however, shall decline to cause to be authenticated the Non-Warranty Cash Sale should those circumstances described by Lafayette City-Parish Consolidated Government Code of Ordinances Ch. 72-18(c) arise prior to such authentication.

**SECTION 4:** Following authentication of the Non-Warranty Cash Sale, the Administrator shall cause Applicant to file the Non-Warranty Cash Sale in the Lafayette Parish Clerk of Court's conveyance records, along with this resolution, which shall be annexed to and incorporated by reference into the Non-Warranty Cash Sale; and to comply with the filing requirements set forth at Ch. 72-16(d) of the Lafayette City-Parish Consolidated Government Code of Ordinances.

**SECTION 5:** After compliance with the filing requirements set forth at Ch. 72-16(d) of the Lafayette City-Parish Consolidated Government Code of Ordinances, the acquiring person(s) shall submit copies of the affidavit required by that subsection 72-16(d) to a) the Lafayette Utilities System Customer Services/Tax Collection Division and b) the Lafayette Parish Sheriff's Office Tax Collection Division.

**SECTION 6:** Sale of the Property to Applicant is conditioned upon compliance with the dictates of this resolution, including the following:

1) Applicant is not a tax debtor or owner of the Property, nor acting for, directly or indirectly, any tax debtor or owner of the Property;

2) Applicant is not an employee, contractor, officer, director, elected or appointed official of Lafayette City-Parish Consolidated Government, nor any member of the immediate family of any of the above, nor any entity in which any of them has a substantial economic interest, nor acting for, directly or indirectly, any of the aforementioned, without the affirmative consent by resolution of the Lafayette City Council and the Lafayette Parish Council;

3) Applicant shall permit re-entry and inspection of the Property, at reasonable times and upon reasonable notice, by the Administrator or other agents of the Government, in order to verify compliance with any conditions imposed on the sale;

4) Applicant's compliance with the notice and filing requirements imposed by this resolution, the Louisiana Revised Statutes or by the Lafayette City-Parish Consolidated Government Code of Ordinances;

5) Applicant's maintenance of the Property in a clean and sanitary condition; and

6) Applicant's adherence to that property renovation plan attached hereto as Exhibit B.

**SECTION 7:** Should any suspensive condition prohibited by this resolution come to pass, or any resolatory condition required by this resolution cease, the Administrator upon learning of such circumstance shall cause to be revoked the Non-Warranty Cash Sale to Applicant.

**SECTION 8:** All of the aforescribed “Whereas” clauses are adopted as part of this resolution.

**SECTION 9:** All resolutions, or parts thereof, in conflict herewith are hereby repealed.

This resolution having been submitted to a vote, the vote on behalf of the City Council thereon was as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

This resolution having been submitted to a vote, the vote on behalf of the Parish Council thereon was as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

AND the resolution was declared adopted on this, the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
VERONICA L. WILLIAMS  
LAFAYETTE CLERK OF THE COUNCIL

**Exhibit B**  
**Renovation Plan**

Applicant's plan is to continue maintenance of the lot and use as green space.